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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,978	01/26/2001	Dimitri Kanevsky	YOR92000042US1(13772)	8004

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Richard L. Catania
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530

EXAMINER

HUYNH, BA

ART UNIT PAPER NUMBER

2179

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,978

Applicant(s)

KANEVSKY ET AL.

Examiner

Ba Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-15 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13, 15, 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11, line 6: The phrase “the icons” lacks clear antecedent basis. Line 8: The phrase “the files” lacks clear antecedent basis.

Further, the phrase “selecting icons to represent the files” appears contradict to “creating an icon representing a file” wherein the icon and the file are both singular.

Claim Rejections - 35 USC § 102

2. Claims 1-9, 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2002/0038299 (Zernik et al).

- As for claims 1, 7, 11, 18: Zernik et al (herein Zernik) teach a computer implemented method and corresponding system for determining and displaying icons representing text files, comprising the steps/means for:

extracting a plurality of topics (0024, 0025, 0051, 0064. See also Zernik’s teachings of “category” and “content”) of a text file by examining words in a file (0045, 0051, 0061),

associating a respective one of a plurality of icons with each of the plurality of topics (0024-0025, 0057-0059),

assigning weight values to each of the topics (0064),
selecting at least one of the plurality of icons 804a-e to represent the topics on the basis of weight value assigned to the topics (0020, 0047, 0059, 0060 figures 8, 9), displaying a page 800 represents the text file, the page 800 having the selected at least one of the topic icons 804a-e (i.e., one or more than one topic icons, “*displaying the selected at least one of said icons to represent the text file*”. It also inherently included in Zernik that the page may include only one topic icon).

- As for claim 2: The selecting step/means includes selecting the closest one from a group of icons to represent the text file (0058).
- As for claim 3: The extracting step/means includes determining several topics and generating several thumbnails for the text file on the basis of the weighted values assigned to the topics (0042, 0063-0064).
- As for claim 5: The icons can be sensed by different senses, e.g., visually inspected or touched by the user (figures 8, 9).
- As for claim 6: The displayed icons facilitate use of a computer by people with vocal and hearing disabilities.
- As for claim 8: The means for extracting content includes means for associating a text file with a language model, and words, keywords, and key phrases counts (0043, 0044), a topic identifier to identify a topic (0045, 0051, 0061), a module that partitions a text in a file by topic count (0062, 0067).

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- As for claim 9: Topics are identified using probabilities of words from language models of text in the file and language models for various topics stored in the database (0043, 0045, 0051).
- As for claim 19: Each icon 804 is associated with words (figure 8). The system includes means for identifying the important and significant of the topics associated with the file based on the extracted content (0058). The topics are compared with words in a database to select one of the icons to represent the file (0053, 0054, 0055).
- As for claim 20: advertisement is inherently included in Zernik's teaching of web pages (0011).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 13, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zernik et al.

- As for claims 12, 13: Zernik et al fail to clearly teach the implementation of voice interface for accessing files. However Official notice is taken that implementation of voice interface for accessing computer information is well known in computer art. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of voice interface to Zernik et al.

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Motivation of the combining is to provide a supplemental interface for those who might need.

- As for claims 21, 22: Zernik et al fail to clearly teach that the user pays less and the advertiser pays manufacturer or seller of the system if advertisements are included. However Official Notice is taken that implementations in which the user pays less and the advertiser pays manufacturer or seller of the system if advertisements are included is well known in electronic advertisement. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known implementation that the user pays less and the advertiser pays manufacturer or seller of the system if advertisements are included to Zernik et al. since it readily appears that advertisers are the one who benefit most. Motivation of the combine would have been a fair practice to promote business.

4. Claims 4, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2002/0038299 (Zernik et al), in view of US patent #6,857,102 (Bickmore et al).

- As for claim 4: Per Zernik, the text file is represented by a page which has at least one of the topic icons (0057-0059) wherein each of the topics is associated with respective part of the text file. Zernik et al fail to clearly teach the generating of a composite icon including the selected topic icons. However in an analogous art of document re-authoring for extracting and displaying relevant portions of web document to a user (Bickmore's 4:18-30, 6:17-29), Bickmore teaches the generating

of a composite icon having selected topic icons, each of the topic icons points to the portion of the text file associated with the topic it represent (figure 1). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Bickmore's teaching of generating a composite icon to Zernik's to transform Zernik's text file representative page 800 into a composite icon. Motivation of the advantage of having the desirable properties associated with an icon, such as smaller display size and portability.

- As for claim15: Zernik et al teach a computer implemented method comprising the steps of:

generating a list of files (0042)

extracting the content of each file (0043),

attaching a plurality of topics to the file based on the read word content of the file (0045),

generating icons for the file based on the topics attached to the file (0020, 0059, figures 8, 9),

creating an index of topics (0051),

creating a list of icons to list files (figures 8, 9).

Per Zernik, the text file is represented by a page which has at least one of the topic icons (0057-0059) wherein each of the topics is associated with respective part of the text file. Zernik et al fail to clearly teach the generating of a composite icon including the selected topic icons. However in an analogous art of document re-authoring for extracting and displaying relevant portions of web document to a user (Bickmore's

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4:18-30, 6:17-29), Bickmore teaches the generating of a composite icon having selected topic icons, each of the topic icons points to the portion of the text file associated with the topic it represent (figure 1). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Bickmore's teaching of generating a composite icon to Zernik's to transform Zernik's text file representative page 800 into a composite icon. Motivation of the advantage of having the desirable properties associated with an icon, such as smaller display size and portability.

Allowable Subject Matter

5. Claim 14 is allowed.

Response to Arguments

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

REMARKS:

In response to the argument that Zernik et al teach extracting of categories and assigning of weight value to the extracted categories instead of to topics as claimed, the extracted categories are being equated to the claimed topics. In figure 8, Aspirin is an information topic related to Heart, same as Heart Disease is another Topic related to Heart. Further, Zernik clearly teaches that topics are extracted from the search (0051).

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Amended claims 4 and 15 recite creating a composite icon representing the text file. This amended limitation is read on in view of the combination of Zernik and Bickmore as set forth in the rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
3/9/05

BA HUYNH
PRIMARY EXAMINER